

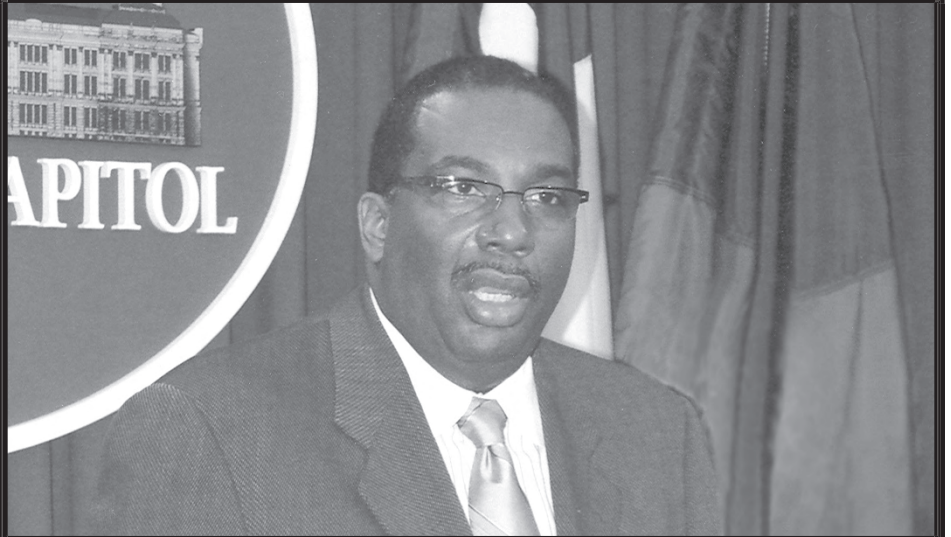


The Capitol Report

Senate District 23

79th Legislature Update

State Senator Royce West



Dear Friends:

Two issues dominated the 79th Legislature this year: reforming our system of public school finance and passing long-overdue property tax relief for Texas homeowners. While I'm a big supporter of both ideas, so far, we've been unable to pass either. Despite spending thousands of hours huddling with key state leaders to try to find a solution to the impasse, I've discovered there are simply too many philosophical differences on how to balance education finance reform and property tax reduction.

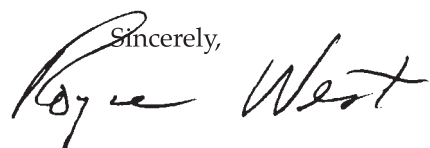
Although a ruling from the Texas Supreme Court on the school finance issue is imminent, I haven't given up on legislative revisions. Providing pay raises for teachers, ensuring that school employees have adequate health insurance and guaranteeing quality textbooks to our schoolchildren are all at the top of my list of priorities. Ensuring equity between our school districts so that all children—regardless of where they live in the state—are guaranteed a top quality education should be our top concern. Those reforms must come in tandem with a system of taxation that is fair, not a thinly-veiled attempt to provide tax breaks for the rich while burdening those who can least afford it.

These are all issues that will continue to hold my attention. I'm keeping my sleeves rolled up, ready to answer the call to go to work on improving our tax system and our schools.

The 79th Legislature still had time to consider many other initiatives, and I was able to pass several key pieces of legislation that will not only benefit the constituents of the 23rd Senatorial District, but all Texans. My priorities were fighting for adequate funding for health and human services and for public and higher education. As Chairman of the Subcommittee on Higher Education, I know only too well that the future of Texas depends on ensuring equal access to an affordable, quality education that will prepare our next generation for the challenges ahead.

Having said that, no legislator was immune to the petty partisanship and finger-pointing that, unfortunately, seemed to characterize the 79th Legislature. Tensions between the House and the Senate peaked at the end of session when House Speaker Tom Craddick decided not to appoint a single Democrat or minority to the crucial conference committee on public school finance reform. Fortunately, relations in the Senate were more cordial.

It's always good to hear from my constituents and I encourage you to stay involved. I certainly appreciate all your input and am always ready to respond to your suggestions. I especially want to thank all of you who have kept my son Remarcus in your prayers. On behalf of my wife Carol and our entire family, thank you for continuing to allow me to represent you in the Texas Senate.

Sincerely,


Royce West



Senator West greets seniors from his district on their visit to the Capitol.

THE BUDGET

In a nutshell, the budget appropriates \$139 billion in state and federal spending for the coming two years, a 19% increase over the previous budget. We approved a total of \$37.9 billion for **Medicaid** programs, an increase of \$4.9 billion over last session's belt-tightening. This level of funding will ensure restored services to adult Medicaid recipients, partially restores the Medically Needy program, creates a Medicaid buy-in program, expands community care waiver programs, and restores reimbursement rates to 2003 levels for long-term care services. We also appropriated \$1.4 billion for the **Children's Health Insurance Program**, which had been slashed two years ago due to the massive \$10 billion budget shortfall. Many CHIP services cut two years ago were restored, including vision, hearing, dental and mental health coverage as part of the budget. Now, families must re-enroll every six months, rather than annually.

Another key area of funding added \$248,100,549 for Adult and Child Protective Services reform plus an additional \$18.6 million for community prevention programs. Declared an emergency by Governor Perry at the beginning of session, reforms at APS and CPS became a priority after numerous reports of abuse and even deaths of children and senior citizens under state care. It was vital that we provided more funding, so we included a third of a billion dollars to create 2,500 new positions to protect our most vulnerable citizens. We also supplied an additional \$265 million for Foster Care and \$126 million more for adoption subsidies.

Another highlight was increasing funding for the **Community Youth Development** program by \$1.8 million (\$7,897,598 for each year of the biennium), restoring those programs to their 02-03 biennium levels. These are important programs and include the 75216 and 75217 Zip Code projects in Dallas.

In **public education**, the new budget includes almost \$25 billion for the Foundation School Program to fund more school districts, maintain enrollment growth and current obligations, ensure equity, and account for a one-month deferral of funding for the current biennium.

We also appropriated \$327 million for textbooks and \$823 million for the Student Success Initiatives. For **teachers**, the legislature transferred \$548 million from the Teacher Retirement System to the Texas Education Agency to include teacher pass-through funds in the Foundation School Program. In addition, we put \$0.5 billion into the healthcare system for retired school employees.

In the area of **higher education**, we funded enrollment growth at colleges and universities, amounting to a \$189 million increase. The budget also reflects projected growth of \$100 million, primarily in tuition and fees. Local institutions of higher education fared well:

- The **UNT System Center at Dallas** received \$6 million, a \$392,292 increase from last time. As a whole, the **UNT System** received \$14 million for the 06-07 biennium—almost \$5 million more than it received last biennium.
- **UT-Arlington** received \$165 million—a \$6 million increase from the last biennium.
- **UT-Southwestern** received \$259 million—a \$57 million increase from the last biennium.

In **criminal justice**, we appropriated \$4 billion for incarcerating and treating adult felons to address population increases, rising healthcare and utility costs, and to compensate for lost federal funds.

We approved \$0.6 billion for a 7% **state employee pay raise** over 2 years (or \$100 per month, whichever is more). Also, \$3 billion went to state employee health-care costs—a \$0.4 billion increase. And we provided \$3.7 billion for retirement contributions for the Teacher Retirement System, Employees Retirement System, and the Optional Retirement System for higher education employees.

We also budgeted nearly \$14 billion for **transportation**. This will fund road planning and design, acquisition of right-of-way, construction, and the maintenance of our transportation infrastructure.

COMMUNITY INITIATIVES

EDUCATING THE NEXT GENERATION: OUR TOP PRIORITY

“Try, try, and try again.” That became the mantra as we opened the second special session dedicated to finding a solution to the public school reform and financing dilemma.

The last major overhaul of school finance took place in the mid ‘80s, creating a system of recapture known as “Robin Hood” which redirects funding from property-rich districts to less affluent schools to improve equity. But the bottom line is that the state doesn’t spend enough, contributing less than 40% of school funding—an all-time low—while shifting the burden onto local taxing districts.

We took a first bite at the school finance apple in 2004, when Governor Perry called us back for a special session that proved to be an exercise in futility. Then, District Court Judge John Dietz ruled our school finance system unconstitutional, citing its heavy reliance on property taxes. Now, with the end of the second failed Special Session this year, the Texas Supreme Court is deliberating the state’s appeal of the district court’s ruling.

Significant differences marked the proposed House and Senate solutions for education and tax reforms. Whereas the House was inclined to raise the sales tax by a full cent, the Senate wanted to hold the line at an additional half cent. We wrangled over how best to close

tax loopholes and whether we should raise “sin taxes” on alcohol, cigarettes, or even gambling. We discussed replacing the existing local property tax system with a statewide

property tax. The Senate’s original proposal did not include a sales tax on such essentials as car and computer repairs. Rather, it proposed a broader-based business tax. One House tax scheme would have benefitted only families that earn more than \$100,000 annually, while taxes for the great majority who earn less would have increased.



Senator West discusses education issues with members of the Southern Dallas County Educational Consortium.

Over the past few months, it became apparent that some cared more about pushing through property tax reductions than adequately funding our schools. While I’d love to see lower taxes for all Texans, the long-term future of our state depends on educating the next generation of Texans. Ask any business owner or corporate executive; our economy needs a highly-skilled and well-educated workforce. And that’s best achieved by meeting the educational needs of *all* Texas’ children, not just the ones who live where schools are supported by a healthy tax base.

The final proposal debated by the Senate was a bare-bones plan that would have given teachers a pay raise, covered their health insurance, and allocated enough money for new textbooks. Given that our teachers are paid about \$6,000 a year less than the national average, this was the least we could do.

KEEPING THE DREAM ALIVE



Senator West regularly holds Town Hall Meetings to hear from constituents about important issues.

Sometimes, it’s not what you pass, but what you *don’t* pass, that makes for a successful legislative session. I’m pleased to report that, despite considerable opposition, we managed to fend off any major changes to the state’s **Top 10% Rule** that governs student admissions to our top universities. This rule guarantees every Texas high school senior graduating in the top 10 percent of his or her class, automatic admission to any state college or university.

While I filed legislation mandating that all high school students take, at a minimum, the recommended high school curriculum to be eligible for automatic admission to a public college or university, I also dedicated myself to fighting more radical attempts to do away with the Top 10% Rule altogether. In my mind, it’s the fairest way to ensure that students from all walks of life and from all parts of our state have access to colleges and universities. Because of the Top 10% Rule, both

HIGHLIGHTS OF THE 79th LEGISLATIVE SESSION

racial and geographic diversity is at an all-time high at UT-Austin, with minorities peaking at 43% of the university's incoming class for 2004. Finally, UT-Austin is beginning to look like Texas.

Despite rumors to the contrary, students admitted under the Top 10% rule exceed expectations by achieving better GPAs and graduation rates than non-Top 10 students who enter with higher SAT scores. With the Top 10% Rule in place, recruiters can guarantee any high school student that if they study hard and finish at the top of their class, they can attend either of Texas' flagship schools. They can dream burnt orange and maroon and white. In my mind, the Top 10% rule works—and it works well.

IMPROVING OUR NEIGHBORHOODS

Last session, I sponsored legislation giving municipalities **additional tools to act against property owners who allow illegal activities** such as drug trafficking, prostitution or other organized criminal activities to take place on their properties. This session, I worked with cities and property owners to create new standards should legal action become necessary. We also added condominiums to the list of properties subject to common nuisance laws. The new language will prohibit municipalities from using calls made by property owners for law enforcement assistance in a case against them.

Some **massage parlors** are in fact, fronts for prostitution and human trafficking. These questionable entities negatively impact legitimate massage businesses as well as local property values. H.B.2696, which I sponsored with Rep. Anchia, licenses and controls the massage industry.

To address the scarcity of residential units and retail outlets in downtown Dallas, I passed S.B.771. It addresses long-term vacancies such as that of the old Mercantile Bank Building. The bill allows the city to promote **economic redevelopment** through tax increment financing. It is expected to generate more than \$1 billion in private investment. I also filed and passed legislation that allows landlocked cities like Duncanville to use Section 4B funds to develop or expand retail enterprises.

DART and NTTA have become national models for local transportation authorities and projects. Through their work, and that of the Dallas Regional Mobility Coalition, the Regional Transportation Council and the North Central Texas Council of Governments, the properties and assets of the Dallas area were well protected this session.

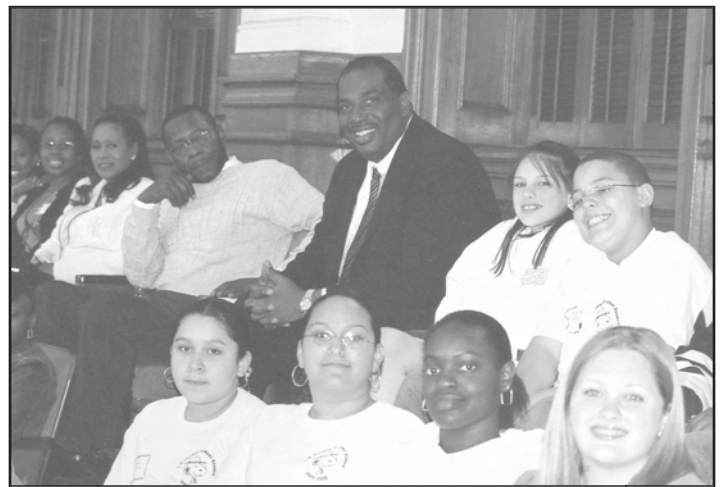
EMPLOYMENT AND WORKERS COMP

My S.B.1096 creates a funding source for job training and establishes a program that pays employers to train workers for higher-paying jobs. The bill provides grants to train employees by levying an additional 0.1% assessment on each employer paying into the unemployment insurance fund. It also allows the state to set aside funds for development during economic downturns by establishing a holding fund.

Workers' compensation issues represent a significant number of the constituent cases handled by my office. Ranging from complaints against the employer over workplace injuries to disputes over denied claims, few individuals ever seem to find a satisfactory outcome to their problem. This session, we tried to make the system more "user friendly" by moving it into the Texas Department of Insurance and eliminating the approved doctors list. In a nutshell, we hope that the new system will reduce costs for employers while ramping up benefits to injured workers.

HERE'S TO YOUR HEALTH

Many working Texans are **uninsured and don't qualify for medical discounts** because under current law, hospitals, physicians, and other health care providers cannot reduce their regular prices to help uninsured patients. My S.B.500 fixes this by allowing price discounts for uninsured patients.



Senator West meets with his Student Advisory Committee in the Texas Senate

Cheaper prescription drugs: The state will create a website allowing Texans to buy cheaper prescription drugs from approved outlets in Canada. There's the possibility this will be pre-empted by a federal ban on such purchases, but it's a step in the right direction.

Under legislation passed this session, the University Interscholastic League will study **steroid abuse** and report back to the next legislature so we can take preventative actions.

Grandparents have always come to the rescue when a crisis occurs in the family. As of January 2005, the state's program that provides grandparents with a one-time payment of \$1,000 to care for their grandchildren has benefitted 12,142 grandparent households and 22,174 grandchildren. We have since increased the income limit from 100 percent of the federal poverty level to 200 percent and lowered the age requirement from 50 to 45 years of age.

To apply, grandparents can contact the Texas Health and Human Services Commission at 972-337-6100 or toll-free at 1-877-236-6500 and ask for the Grandparent TANF Program.

HIGHLIGHTS OF THE 79th LEGISLATIVE SESSION

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SAFER STREETS AND JUSTICE FOR ALL

Once again this session, we heard how the prison system is nearing capacity. This comes 20 years after we added about 100,000 new prison beds. This session, I authored S.B. 938 that would have created a **pilot prison diversion program** to reduce revocations through enhanced supervision. Offenders who complied with the terms of their probation and worked to rehabilitate themselves could have earned early release from court supervision. The measure was later rolled into a probation overhaul bill (vetoed by the governor) that would have reduced **most maximum felony probations** from 10 to 5 years, excluding those for aggravated offenses. Studies have shown that those who complete three years of probation are less likely to be revoked. This policy is consistent with the recent trend of emphasizing probation and community-based programs over prison for low-level offenders.

In 2003, S.B.1477 gave those who successfully completed deferred adjudication the ability to have those criminal records sealed. In 2005, I amended HB 3093 to reduce the eligibility period that a person must wait to have their records sealed from 10 to 5 years for eligible felonies and from 5 to 2 years for some misdemeanors. The new language also eliminates confusion about sealed records for those applying for employment and in jury selection procedures. If our judicial system wants to rehabilitate offenders, the ability to find a job and a decent place to live is part of that process.

Although Governor Perry vetoed the measure, the Legislature passed a requirement that drivers must give **written or recorded consent** before a police officer who does not have probable cause can search their vehicle. I look forward to revisiting this issue next session.

And finally, after the third attempt, we passed **life without parole** giving jurors the option of sentencing capital murder convicts to death or to life in prison without the possibility of parole. As for jurors themselves, this session we increased jury pay from \$6 to \$40 a day to make it easier for people to take off work to serve.



Senator West and his staff stand ready to serve your needs in Dallas and in Austin.

If a loved one is incarcerated...

My office often receives calls from concerned family members regarding a loved one who is in the Texas Department of Criminal Justice system. While my staff is pleased to assist constituents with general information and inquiries regarding an inmate, I am unable to advocate for or influence matters of sentencing, pardons, or paroles. Sometimes the quickest way to address any concerns for an incarcerated family member is to contact TDCJ yourself. You might also review TDCJ's website, which contains a special informational section for families of offenders at: www.tdcj.state.tx.us.

MISCELLANEOUS ITEMS



This session, the House and the Senate changed their rules to allow more recorded votes. In addition, elected officials have to take classes on open government laws every two years.



In order to ensure privacy, my amendment to H.B.955 created a study to limit access to social security numbers by non-financial or governmental entities in order to reduce the threat of identity theft. We also prohibited DPS from revealing who has concealed handgun permits.



Teenage drivers are now prohibited from speaking on the phone while driving.



Democrats successfully killed a partisan attempt requiring identification in order to vote. The proposal was a flagrant ruse to drive down voter turnout, and it is completely unnecessary, since existing anti-fraud measures work well.

THE DR. EMMETT J. CONRAD LEADERSHIP PROGRAM

Since 1993, this program has enabled over 1,300 local students to acquire paid internships in their chosen fields of study in order to expand their marketability, career choices, and leadership capabilities. Named for the renowned African-American physician and education advocate, Dr. Emmett J. Conrad, the program celebrated its 13th Class in 2005 with 53 employment sponsors and 134 interns.

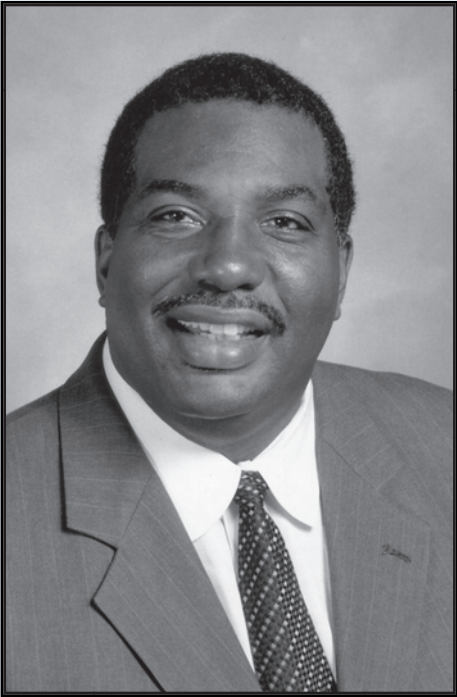
To be considered, applicants must be enrolled in a 4-year college/university and be a resident of Senate District 23. Students must maintain a 2.25 cumulative GPA and provide two letters of recommendation, a resume, community service documentation, and a 250 word essay.

The next application process begins in Fall 2005 with the deadline being January 16, 2006.

Senator Royce West

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HELPFUL TOLL-FREE NUMBERS

Texas Performance Review Hotline.....	1-800-531-5441
Runaway Hotline	1-800-392-3352
Child Find/Missing Children	1-800-426-5678
Abuse Hotline (Children, Elderly, Disabled)	1-800-252-5400
Voter Registration, Elections Information	1-800-252-8683
Drug Abuse Hotline.....	1-800-662-4357
AIDS Hotline	1-800-342-2437
State Sales Tax Information.....	1-800-252-5555
Suicide Prevention/Crisis Intervention.....	1-800-643-1102
Governor’s Assistance Line.....	1-800-843-5789
Assistance for the Blind.....	1-800-252-5204
Child Support Enforcement.....	1-800-252-8014
Texas Crime Stoppers	1-800-252-8477